

2022-1448

UNITED STATES COURT OF APPEALS FOR THE FEDERAL CIRCUIT

NLMK PENNSYLVANIA, LLC,
Plaintiff-Appellee

v.

UNITED STATES,
Defendant

UNITED STATES STEEL CORPORATION,
Movant-Appellant

Appeal from the United States Court of International Trade
in Nos. 1:21-cv-00507-CRK, Judge Claire R. Kelly

MOVANT-APPELLANT UNITED STATES STEEL CORPORATION'S
UNOPPOSED MOTION FOR VOLUNTARY DISMISSAL

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January 18, 2023

FORM 9. Certificate of Interest

Form 9 (p. 1)
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF INTEREST

Case Number 2022-1448

Short Case Caption NLMK Pennsylvania, LLC v. US

Filing Party/Entity United States Steel Corporation

Instructions: Complete each section of the form. In answering items 2 and 3, be specific as to which represented entities the answers apply; lack of specificity may result in non-compliance. **Please enter only one item per box; attach additional pages as needed and check the relevant box.** Counsel must immediately file an amended Certificate of Interest if information changes. Fed. Cir. R. 47.4(b).

I certify the following information and any attached sheets are accurate and complete to the best of my knowledge.

Date: 01/18/2023

Signature: /s/ Luke A. Meisner

Name: Luke A. Meisner

FORM 9. Certificate of Interest

Form 9 (p. 2)
July 2020

1. Represented Entities. Fed. Cir. R. 47.4(a)(1).	2. Real Party in Interest. Fed. Cir. R. 47.4(a)(2).	3. Parent Corporations and Stockholders. Fed. Cir. R. 47.4(a)(3).
Provide the full names of all entities represented by undersigned counsel in this case.	Provide the full names of all real parties in interest for the entities. Do not list the real parties if they are the same as the entities. <input checked="" type="checkbox"/> None/Not Applicable	Provide the full names of all parent corporations for the entities and all publicly held companies that own 10% or more stock in the entities. <input checked="" type="checkbox"/> None/Not Applicable
United States Steel Corporation		

☐ Additional pages attached

FORM 9. Certificate of Interest

Form 9 (p. 3)
July 2020

4. Legal Representatives. List all law firms, partners, and associates that (a) appeared for the entities in the originating court or agency or (b) are expected to appear in this court for the entities. Do not include those who have already entered an appearance in this court. Fed. Cir. R. 47.4(a)(4).

☐ None/Not Applicable

☐ Additional pages attached

Geert De Prest, formerly of Schagrín Associates		

5. Related Cases. Provide the case titles and numbers of any case known to be pending in this court or any other court or agency that will directly affect or be directly affected by this court's decision in the pending appeal. Do not include the originating case number(s) for this case. Fed. Cir. R. 47.4(a)(5). See also Fed. Cir. R. 47.5(b).

☐ None/Not Applicable

☐ Additional pages attached

California Steel Industries, Inc. v. US CAFC No. 2021-2172	North American Interpipe, Inc. v. US CAFC No. 2021-2180	Evraz Inc. NA v. US CAFC No. 21-2181
AM/NS Calvert LLC v. US CAFC No. 21-2182	Valbruna Slater Stainless, Inc. v. US CAFC No. 21-2183	voestalpine High Performance Metals Corp. v US CAFC No. 21-2185

6. Organizational Victims and Bankruptcy Cases. Provide any information required under Fed. R. App. P. 26.1(b) (organizational victims in criminal cases) and 26.1(c) (bankruptcy case debtors and trustees). Fed. Cir. R. 47.4(a)(6).

☒ None/Not Applicable

☐ Additional pages attached

Movant-Appellant's Unopposed Motion for Voluntary Dismissal

On March 23, 2022, the Court stayed this appeal pending the determination of *California Steel v. United States*, Appeal Nos. 2021-2172, -2180, -2181, -2182, - 2183, -2185 (“*California Steel*”). See Court’s Order of March 23, 2022, ECF No. 15 at 1-2. The Court further ordered that, within 14 days of the issuance of the mandate in *California Steel*, the Parties would “inform the court how they believe this case should proceed.” *Id.* at 2. The mandate in *California Steel* was issued by this Court on January 4, 2023.

Pursuant to Federal Rule of Appellate Procedure 42(b), Movant-Appellant United States Steel Corporation (“U. S. Steel”) moves to voluntarily dismiss this appeal, No. 22-1448. This appeal was docketed before the Court’s decision in *California Steel* and its rejection of a petition for rehearing and rehearing en banc in *California Steel*. U. S. Steel sought a stay of this appeal during the pendency of *California Steel*. ECF No. 11. Due to the stay in the briefing schedule, no briefs on the merits have been filed in this appeal. We respectfully request that this Court dismiss this appeal and that each party bear its own costs.

Pursuant to Rule 27(a)(2) of this Court, U. S. Steel has consulted

with the parties to this proceeding regarding this motion. On January 18, 2023, counsel to Plaintiff-Appellee NLMK Pennsylvania LLC (“NLMK”), Sandy Litvack of Chaffetz Lindsey LLP, indicated by email that NLMK does not oppose the motion. In addition, on January 17, 2023, counsel for Defendant-Appellant the United States, Meen-Geu Oh of the U.S. Department of Justice, indicated by email that the United States does not oppose the motion.

For the reasons above, U. S. Steel respectfully requests that the Court dismiss the above-captioned appeal pursuant to Fed. R. App. P. 42(b).

Respectfully submitted,

/s/ Luke A. Meisner

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Dated: January 18, 2023

FORM 19. Certificate of Compliance with Type-Volume Limitations

Form 19
July 2020

**UNITED STATES COURT OF APPEALS
FOR THE FEDERAL CIRCUIT**

CERTIFICATE OF COMPLIANCE WITH TYPE-VOLUME LIMITATIONS

Case Number: 2022-1448

Short Case Caption: NLMK Pennsylvania, LLC v. US

Instructions: When computing a word, line, or page count, you may exclude any items listed as exempted under Fed. R. App. P. 5(c), Fed. R. App. P. 21(d), Fed. R. App. P. 27(d)(2), Fed. R. App. P. 32(f), or Fed. Cir. R. 32(b)(2).

The foregoing filing complies with the relevant type-volume limitation of the Federal Rules of Appellate Procedure and Federal Circuit Rules because it meets one of the following:

- ☒ the filing has been prepared using a proportionally-spaced typeface and includes 301 words.
- ☐ the filing has been prepared using a monospaced typeface and includes _____ lines of text.
- ☐ the filing contains _____ pages / _____ words / _____ lines of text, which does not exceed the maximum authorized by this court's order (ECF No. _____).

Date: 01/18/2023

Signature: /s/ Luke A. Meisner

Name: Luke A. Meisner